

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

STATE FARM FIRE AND CASUALTY
COMPANY and STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2:07cv188 KS-MTP

JIM HOOD, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF THE STATE
OF MISSISSIPPI

DEFENDANT

ORDER

THIS MATTER is before the court on separate Objections to and Emergency Motions to Quash Subpoenas filed by defendant Jim Hood and by non-party Ed Snyder. Having considered the motions and the response, and having heard oral argument from the parties during a telephonic hearing, the court finds that both motions should be GRANTED IN PART and DENIED IN PART as follows:

The portion of Jim Hood's motion relating to his appearance at tomorrow's preliminary injunction hearing is granted. Jim Hood does not have to personally appear at the hearing. However, this ruling is based on a representation by the State that another employee in the Attorney General's office, Special Assistant Attorney General Scott Johnson, has knowledge about the grand jury subpoena at issue in this case, as well as the current investigation of State Farm by the Attorney General's office, and that Mr. Johnson is available to address these issues authoritatively at tomorrow's hearing. Accordingly, Mr. Johnson is ordered to appear at tomorrow's hearing, and is ordered to bring with him the documents set forth in this Order. If Mr. Johnson is not, in fact, able to attend tomorrow's hearing then Mr. Hood must attend instead.

The portion of Ed Snyder's motion relating to his appearance at tomorrow's preliminary injunction hearing is denied. Mr. Snyder is required to appear at tomorrow's hearing, and he shall bring with him the documents set forth in this Order.

Mr. Snyder and Mr. Johnson (or Mr. Hood, if Mr. Johnson does not attend) shall bring the following two categories of documents to the preliminary injunction hearing:

1) All files and records relating to the negotiation and/or execution of the Investigation Agreement (as defined in the subpoenas); and

2) All files and records demonstrating how the \$5 million payment that the Office of the Attorney General received from State Farm on January 24, 2007 was calculated - *i.e.*, what expenses and/or costs the \$5 million was intended to defray - as well as all files and records demonstrating how the \$5 million was spent and/or applied.

All privilege objections to the requested documents are preserved. Any privilege issues will be addressed at tomorrow's hearing and, if necessary, an *in camera* inspection of documents will be conducted by the court.

SO ORDERED on this the 31st day of October, 2007.

s/ Michael T. Parker

United States Magistrate Judge